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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

## Report on the situation of human rights in Cuba prepared by Mr. Rafael Rivas Posada, Special Representative of the Secretary-General, in accordance with the mandate given him by Commission resolution 1991/68

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## INTRODUCTION

1. At its forty-seventh session, the Commission on Human Rights adopted resolution 1991/68 of 6 March 1991, entitled "Situation of human rights in Cuba", in which it requested the Secretary-General "after consultation with the Chairman and the Bureau of the Commission, to appoint a special representative, in accordance with Commission decision 1989/113, to maintain direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba", called upon the Government of Cuba "to continue cooperating with the Secretary-General in carrying out the task entrusted to him, taking into account the international agreements to which Cuba is party and the institutional procedures established in the field of human rights" and requested "the appointed special representative to carry out his or her mandate, bearing in mind the Universal Declaration of Human Rights, and report the results to the Commission at its forty-eighth session under this agenda item on the endeavours pursuant to the present resolution".

2. The Economic and Social Council, by decision 1991/252 of 31 May 1991, endorsed the requests made in Commission resolution 1991/68.

3. In accordance with the terms of resolution 1991/68, the Secretary-General, after consultation with the Chairman and the Bureau of the Commission, appointed Mr. Rafael Rivas Posada, a Colombian, as his Special Representative to carry out the activities specified in the mandate. This appointment was announced on 2 July 1991.

4. Once his appointment was official, the Special Representative sent a letter (see annex I), dated 30 July 1991, to Mr. Isidoro Malmierca Peoli, Minister for Foreign Affairs of Cuba, describing the task entrusted to him and enclosing the text of resolution 1991/68. In the letter he asked the Cuban Government for all possible cooperation in the complete fulfilment of his mandate, although he was aware of the Government's position as expressed at recent sessions of the Commission on Human Rights and the Economic and Social Council. Such cooperation ought to have begun with consultations to agree on the best way of carrying out the mission and collecting the information necessary for the preparation of the report.

5. Not having received any answer to his letter of 30 July 1991, the Special Representative sent a new communication (see annex II) to the Minister for Foreign Affairs of Cuba on 2 December 1991. In it he repeated his request for the Cuban Government's collaboration and expressed his confidence that he would be able to visit the island in order to pursue <u>in situ</u> the contacts he had been instructed to make. He also informed the Minister that in fulfilment of his mandate he had already maintained contact with the citizens of Cuba in order to collect information from that source, as required by resolution 1991/68.

6. By a letter dated 6 December 1991 (see annex III), the Special Representative sent the Minister for Foreign Affairs of Cuba a list (see para. 19 below) of persons who, according to information received, might have been victims of violations of human rights in recent years and asked him for information and comments on their cases from the Cuban Government so as to be

in a better position to assess the seriousness and gravity of the allegations. With the letter he also enclosed the questionnaire (see appendix) with questions on constitutional and legal matters contained in the note sent to the Government of Cuba on 29 August 1988 by the group which prepared the report submitted to the Commission at its forty-fifth session (E/CN.4/1989/46 and Corr.1), which had not been answered by the Government.

7. None of the Special Representative's communications has yet been answered. It has thus been impossible to make direct contact with the Cuban authorities or get direct information from government sources. Similarly, the Special Rapporteur was unable to hold consultations with the Cuban Government to agree on the way he should carry out his mandate, or to make a visit to the island, as he wished, so as to be able to collect on the spot the information he considered necessary for the complete fulfilment of his mission.

## I. SCOPE OF THE MANDATE

8. Resolution 1991/68 requests the latest action taken on Cuba by the Commission on Human Rights, in a process which began at its forty-fourth session, when, by decision 1998/106 of 10 March 1988, having regard to the invitation of the Government of Cuba, it decided to accept the invitation. That decision appointed the Chairman and five members of the Commission to visit Cuba in order to observe the human rights situation and to prepare a report to the Commission, which would decide on the manner in which the report was to be examined.

9. The report prepared by the group which visited Cuba from 16 to 25 September 1988 (E/CN.4/1989/46 and Corr.1) was submitted to the Commission at its forty-fifth session and thoroughly discussed by its members. On 9 March 1989, after considering and debating the report, the Commission adopted decision 1989/113, in which it took note of the report, thanked the Government of Cuba for the cooperation extended to the mission and welcomed its willingness to cooperate with the Secretary-General in maintaining their direct contacts on the issues and questions contained in the report, adding that those contacts and their results would be taken up by the Secretary-General in an appropriate manner.

10. On 29 January 1990, the Secretary-General sent a letter to the Chairman of the Commission at its forty-sixth session informing her that he had been maintaining ongoing contacts, both written and oral, with the Government of Cuba, in accordance with decision 1989/113. On 6 March 1990, at the end of its consideration of the situation in Cuba, the Commission adopted resolution 1990/48, in which it described itself as aware that the report submitted in accordance with decision 1988/106 by the group which visited the island contained questions and issues which had not been fully addressed and expressed its concern at reports that witnesses who had testified before the Working Group had since been subject to arrest, harassment or other forms of reprisals by the Government of Cuba. The same resolution calls upon the Government of Cuba to honour its guarantees to the working group that individuals who attempted to present information to the group would not be subject to reprisals, detention or negative consequences of any nature whatsoever, to answer the questions put by the group, which appear in annex XVI of its report and requests the Secretary-General to provide the

results of his contacts with the Government of Cuba on "the issues and questions contained in the report" of the mission which visited Cuba, in accordance with paragraph (d) of decision 1989/113.

11. In accordance with resolution 1990/48, the Secretary-General submitted a report (E/CN.4/1991/28) to the Commission at its forty-seventh session. On 6 March 1991, on the basis of its consideration of this report and the debate that took place, the Commission adopted resolution 1991/68, which contains two new elements constituting fundamental aspects of the mandate: firstly, the request to the Secretary-General to appoint a Special Representative, in accordance with Commission decision 1989/113, to maintain direct contact with the Government of Cuba, and, secondly, the extension of the direct contacts to be maintained by the Special Representative to the "citizens of Cuba".

12. In view of the impossibility of establishing or maintaining direct contact with the Cuban authorities, because of the Cuban Government's position denying the validity of the last two resolutions adopted by the Commission, a position repeated in the debates of the Commission and the Economic and Social Council, and in view of the Government's lack of cooperation in arranging a visit to Cuba by the Special Representative and providing him with the information requested, the Special Representative had to limit his activity to receiving information supplied by the citizens of Cuba. Since it was not possible for him to establish direct contact with Cuban citizens in their own country, he maintained contact with Cubans living outside Cuba and used the information that Cuban citizens living in the country had been sending abroad, whether to the Special Reprsentative himself or to the United Nations and non-governmental organizations concerned with respect for human rights.

13. For the reasons given, the Special Rapporteur was seriously hampered in carrying out his mandate. The total lack of information from Government sources meant that he could not check the allegations and complaints submitted by private individuals and organizations against the authorities' version. The fact that part of the necessary material is missing inevitably weakens the report and makes it difficult to arrive at objective and impartial conclusions. The frustration experienced by the Special Rapporteur, however, is not a sufficient reason for him not to include the information supplied to him in this report, in an objective manner and without making value judgements, in the hope that the Commission and the other United Nations bodies concerned will be able to secure the necessary collaboration from the Cuban Government in order to clear up the cases and questions raised and facilitate the widest possible international cooperation on human rights.

14. The Special Representative wishes to place on record his gratitude to all those persons who offered their collaboration in supplying him with information on the matter which is the subject of his report. He would also like to acknowledge the extensive and efficient assistance he received from the staff of the Centre for Human Rights in Geneva and the Office of the Secretary-General in New York, who, within the Organization's present budgetary and administrative limitations, gave him generous support in the performance of his task.

## II. ACTIVITIES OF THE SPECIAL REPRESENTATIVE

15. Because of the impossibility of establishing direct contact with the Cuban authorities, and in view of the passage of time, which obliged him to speed up the work that had to be done in order to prepare the report in good time, the Special Representative decided, once he had made a thorough study of the voluminous documentation on Cuba at the Centre for Human Rights in Geneva and at the Secretariat in New York, to interview Cuban citizens living abroad who either directly or through representative organizations had submitted allegations and complaints to the competent organs of the United Nations. Most if not all of the information gathered by the Special Representative directly from these sources refer to individual cases already communicated to the United Nations by the persons concerned. Nevertheless, it was very useful for the Special Representative to be able to talk to these people, who have devoted themselves to receiving and processing information sent to them straight from the island by organizations which make it their task to transmit such information to international organizations and to public opinion in general.

16. From 16 October to 21 November 1991, the Special Representative held meetings with representatives of Cuban organizations in exile which receive and forward communications sent by citizens of Cuba on alleged violations of human rights. The information supplied to the Special Representative is reflected in the following pages, although no attempt has been made to give an exhaustive list of all the individual cases reported. The organizations and groups the Special Representative talked to were as follows:

(a) The Coordinating Body for Human Rights Organizations in Cuba (CODEHU), represented abroad by Ramón Cernuda, which at the time of the interview had the following members, to which others have apparently been added in recent months: the Cuban Commission for Human Rights and National Reconciliation, headed by Elizardo Sánchez Santa Cruz; the Marti Committee for Human Rights, headed by Angel Gálvez; the Association for the Defence of Political Rights, headed by Luis Alberto Pita Santos; and the Party for Human Rights headed by Juan Betancourt Morejón. All these groups belonging to CODEHU have their headquarters in Cuba, despite not being recognized by the authorities;

(b) The World Federation of Former Cuban Political Prisoners, represented by Guillermo Estévez, with headquarters in Tampa (Florida);

(c) The Cuban Committee for Human Rights, which is active in Havana, Miami, New York and Geneva. Its Founding Chairman is Ricardo Bofill, its leaders in Cuba are the Arcos Bergnes brothers and its representative in New York is Carmen María Rodríguez;

(d) The Information Bureau of the Cuban Human Rights Movement, with headquarters in Miami, headed by Ariel Hidalgo and Teté Machado;

(e) The Human Rights in Cuba Group, represented by Jorge Valls and Gisela Hidalgo;

(f) The Centre for Human Rights, established in Miami in 1974, represented by Father Miguel A. Loredo and Jesús A. Permuy;

(g) The Association for Continental Peace (Asopazco), with headquarters in Miami, headed by ex-Ambassador Armando Valladares and Luis Zúñiga;

(h) The Miami review Areíto, represented by its editor, Andrés Gómez;

(i) Of Human Rights, with headquarters in Washington, and represented by Frank Calzon.

17. Apart from meetings with Cuban human rights organizations, the Special Representative had a chance to interview representatives of non-Cuban organizations of recognized and serious repute in the field of the defence of human rights. All of them are constantly receiving information on the situation in Cuba from groups and individuals in the island. They were: Puebla Institute, an organization of Catholic laymen with headquarters in Washington, the AFL-CIO Committee on Cuba, Americas Watch, Amnesty International and representatives of the Christian Democrat International.

## III. ALLEGATIONS ABOUT INDIVIDUAL CASES

18. Allegations about individual cases have been communicated directly to the Special Representative or are to be found in the archives of the Centre for Human Rights, to which he had access for the purposes of his work. The cases reported, according to the communications received, have occurred over the last two years, and particularly in 1991. It is possible that there may be mistakes in the spelling of names, that there may be some duplication and that the statements made in the communications may not be completely up to date. The comments and explanations that the Cuban authorities could have given on these allegations would have been extremely useful.

19. The allegations are recorded in the following list, which groups the individual cases in the same way as in the report on the mission to Cuba in 1988 (see document E/CN.4/1989/46, annex VII), that is to say, taking the Universal Declaration of Human Rights as the basic point of reference for monitoring the human rights situation in Cuba.

### 1. RIGHT TO LIFE

1. Valeriano Valera Alvarez

Reported to have died in the prison of Bayamo from blows delivered by policemen who broke up a fight between the victim and another individual on 11 February 1991 in Bayamo, province of Granma.

2. Juan Ramón Reyes Guerra

Death reported to have been caused by officers at El Guayabo Prison, apparently following his attempted escape from the prison on 21 May 1991.

3. Amado Ríos Galindo and Jorge Crespo Perna

Reported to have died on 15 May 1991 during the disturbance which took place at Nieves Morejón Prison, province of Sancti Spíritus, in protest at the poor living conditions to which inmates were subjected. Among the injured inmates who were taken to hospital these two were in very serious condition. According to information received, the forces of order, comprised of Special Brigades of the Ministry of the Interior drawn from various provinces, fired indiscriminately at the inmates and maltreated them, leaving an undetermined number of injured.

4. Romelio Lagos Pérez

Prisoner in Guanajay, province of Havana. Reported to have been shot dead by a prison guard after attempting to enter an area of the prison in which the accused in the Ochoa-La Guardia trial were being held.

5. Ramón Lance Ortega and Eddy Calderón Espén

Prisoners in Combinado del Este reported to have died from blows received in March 1991.

6. Lázaro Pérez Vidal

Ordinary prisoner in Combinado del Este, who is reported to have died on 10 March 1991 from a brain haemorrhage, following blows received in the course of a fight between guards and prisoners who were asking for better food. Two of the guards are said to have been named Gil and Pol.

7. Arnaldo González González

Death reported to have been caused on 19 May 1991 by a police officer of the Special Brigade in Holguín, Reynaldo Milán. According to information received, the victim was speaking to another person in the street when the policeman approached him, sprayed him in the eyes and then shot him three times, causing his death.

8. Walter Ibezote Hechevarría, aged 17.

Resident of the Piedra Blanca housing estate, Holguín. Reported to have died on 10 September 1990 from blows delivered by policemen.

9. Yoel Reyes Torres, aged 17.

Reported to have died on 15 May 1991 from three gunshots fired by the policeman Roger Abreu González in San Augustín de Aguaras, Buenaventura, province of Holguín.

10. Carlos Manuel Ortiz Morales, aged 21.

Resident of the former Santa Lucía sugar estate. Reportedly killed by a shot fired by the guard Amado Leal on 21 November 1991.

11. Gerardo Contreras Hernández, aged 25, and Antonio Hernández Rivero, aged 26.

Reportedly killed by the policeman José Luis Ramírez on 26 November 1990 in La Colonia, Pinar del Río. According to the report received, the policeman shot Contreras in the thigh and then in the chest, causing his death. When Hernández upbraided the policeman for what he had done, the latter first shot him in the stomach and then finished him off after he had fallen to the ground.

12. Eduardo Calderón Spin, prisoner in Kilo 7, Camagüey.

Reported to have died two days after receiving a brutal beating on 24 April 1991. Sergeant Lopito was allegedly among those responsible.

13. Eliberto Vega Calzadilla, welder and engineering student.

Reportedly died on 30 June 1991 as a result of shots fired by the policeman Julio Cruz in the "El Coctelito" tourist centre.

14. Mario Miguel Arcel Andreu, aged 34.

Resident of El Corojal, Artemisa. He was returning to his home at 5 a.m. in a tractor when he was ordered to stop by the soldier Iosvani Rodríguez Márquez. Not hearing the shout, he continued on his way, whereupon he received a bullet in the nape of his neck from an AKM. According to the report, the victim, gravely wounded, was left alone for 40 minutes without receiving medical attention. He was picked up by some friends who happened to be passing by the scene of the incident and taken to the Ciro Redondo Hospital in Artemisa, from where he was transferred to the Hermanos Ameijeiras Hospital in Havana.

15. Alberto Hernández Jiménez, Placetas, Villa Clara.

Reportedly arrested on 4 April 1991 for complaining about ill-treatment received in Cuban prisons and sentenced to serve 11 months in gaol and, upon completion of that sentence, to report every month to the police station for a period of three years. Threatened with being shot in the head if he continued to speak ill of the revolution.

## 2. RIGHT TO PHYSICAL INTEGRITY

16. Rolando Pérez Hernández, aged 17, inmate in the provincial prison of Villa Clara.

Reportedly beaten on 14 May 1991 by the chief of section 3, a non-commissioned officer named Fidencio.

17. Luis Ramón Guizado Aguilar and Abel Roja Guerrero

Alleged to have been beaten by guards at Cerámica Roja Prison in the province of Camagüey, in separate incidents, which occurred in February 1991.

18. Angel Donato Martínez García

Reportedly confined in February 1991 in the so-called "rectangle of death" or punishment area of Combinado del Este Prison for two weeks, merely for hanging a blanket on the bars of his cell to protect himself against the cold. Taken on several occasions to the "rectangle of death" and denied visits by his relatives for four years on account of his defiant attitude and political protests against the prison authorities.

19. Orlando Azcué Rodríguez, Orlando Domínguez de la Coba and Israel López Toledo

New "plantados" (political prisoners) who began hunger strikes in January 1991 in protest against living conditions in Combinado del Este Prison. Reportedly transferred to Kilo 7 prison in Camagüey, where they were chained to the bars of their cells. Azcué and López were alleged to have been severely beaten with rubber truncheons on several occasions in mid-January.

20. Pedro Guerra González, Jorge Marrero Martínez and Osmani Pelegrín Cambel

Inmates of Combinado del Este Prison. Reportedly denied medical treatment on numerous occasions.

21. Francisco Martes Sánchez, aged 16, resident of El Cerro, Havana, detained in Jovellanos.

Officers tried to make him squat in spite of the fact that he was known to suffer from asthma. Upon refusing, he is reported to have been beaten so brutally that he had to be transported as an emergency case to Colón Hospital, where he died on 20 July 1991. The authorities claim that he died of asthma; nevertheless, one of the persons who transported him to the hospital asserts that he died from a brain haemorrhage resulting from blows to the head and that his body was also covered with bruises.

22. Francisco Marrero Prado, file No. 414 766.

In April 1991 he was a patient in the medical unit of Building No. 2 of Combinado del Este Prison, where he had been operated on for a ruptured disc. Despite his severe pain, the nurse did not come to assist him. Reportedly threatened by the chief of the medical unit with being discharged if he went on asking for a nurse.

23. Wilder Hurtado Murillo, Colombian, file No. 1 231 400.

Reportedly beaten with truncheons by recruits in Combinado del Este Prison on 21 May 1991, causing bruises.

24. Luis Monteagudo Rodríguez, aged 27. Son of Caridad Rodríguez Rodríguez, residing at calle 92, edificio M, apartamento 2, Alquízar, province of Havana.

Sentenced on 8 November 1990 to four years in prison for "dangerousness" by the Municipal Court of Boyeros. His mother went to visit him on 18 December 1990, but was allegedly told that her son had been released on 13 December. She visited all the police units of the Department of State Security, the Psychiatric Hospital, the Institute of Forensic Medicine, the Morgue and the Provincial Court in search of her son. On 20 December she was notified that her son was imprisoned in the detention centre at calle 100 and Aldavó, a branch of the Technical Department of Investigations. There she saw her son thin and emaciated, who told her that he had never been released and had been placed in solitary confinement and interrogated about his asylum in the Spanish embassy. On 28 February 1991, when she visited her son again, she found him in a wheelchair and in a state of desperation.

25. José Ramón Morales Hernández

A young detainee resident at calle 18, No. 4, entre L y 3, Santiago de la Vegas, province of Havana. Detained in the "Special Area" of Building No. 1 in Combinado del Este prison. On 28 April 1991 he was reportedly beaten with rubber truncheons by Sergeant Alejandro, chief of the "Special Area", causing welts on his stomach, back and chest.

26. Bernardo Cruz Pérez, aged 23.

On 28 June 1991 he was reportedly beaten with sticks and kicked by Sergeant Alexis Olivera and the prison warder Humberto in Alambrada de Manacas Prison. In the evening he was taken to the infirmary for treatment. Later, he was again beaten and locked up in a punishment cell, badly injured, bleeding and without having received any medical attention.

27. Roberto Molina Hernández

Reported to have suffered a paralysis of the right side of his face on 12 April 1991; was apparently a patient in the medical unit of Building No. 2 at Combinado del Este Prison, where, despite his vomiting, diarrhoea and frequent headaches, he did not receive proper treatment. He was taken in that condition to Ward No. 2428, which was crowded with prisoners and did not have minimum standards of hygiene.

28. Daniel de Jesús Rimada García

A prisoner in Combinado del Este, he denounced a number of prison guards for corruption, who were subsequently transferred. On 22 May 1991, his cell was reportedly entered by other guards, named El Chino, Soroa and Alberto, who struck him with sticks and kicked him savagely when he fell to the floor. In that condition he was transferred to the special punishment area.

29. Daniel Cardó Hernández

A "plantado" (political prisoner) serving a 30-year sentence in Boniato Prison. Reported to have been severely beaten in May 1991 and subsequently transferred to police headquarters in the State of Havana, from where he was taken as an emergency case to the Carlos J. Finlay Military Hospital.

30. Diosdado Díaz Alfonso, José Avila Delgado, Eduardo Ramírez Pérez, Jesús Rivero Abreu, Jorge Iriaco González, Florentino José Fleitas, Rafael González Silva, Osvaldo Delgado Guerra, Modesto Rodríguez García, Pedro Jimenéz Camacho, Carlos Martínez González, Alderico Iruz Gerbel, Octavio Rivero Suere, Rafael González Flitas, Gabriel Pérez Muno.

The group of prisoners injured during the disturbance which took place on 15 May 1991 in Nieves Morejón Prison, in the province of Sancti Spíritus, in protest over the poor living conditions to which they were subjected. They were reported to have been beaten with sticks and to have suffered burns. After the incidents they were reportedly transferred to prisons in five different provinces and held incommunicado.

31. Daniel Brito Vázquez, residing at Callejón del Lucero No. 46, entre Santa Hortensia y Santa Flora, Havana.

Reportedly beaten with sticks by recruits on 21 May 1991. Sent to the infirmary of Combinado del Este Prison.

32. Jorge Nuard Rodríguez, a prisoner in Canaleta Prison in the province of Ciego de Avila.

Alleged to have injected petroleum into both his arms in order to get medical attention. Instead of receiving attention, he was reportedly sent to a punishment cell, where he was kept for 12 days. On 7 June 1991 at 2 p.m. he was taken from the cell unconscious and with gangrene oozing from both arms, which had to be amputated at the shoulders.

33. Pedro Luis García, aged 24, residing in the village of Manacas, province of Villa Clara.

Reportedly beaten with a stick on 27 June 1991 by Sergeant Alexis Olivera in Alambrada de Manacas Prison. Other soldiers with rubber clubs also administered blows. Subsequently, although his body was covered with injuries, he was placed in solitary confinement.

34. Antonio Aguila Gorrín, aged 29, a native of Santa Clara, in the province of Villa Clara.

Was a patient in the infirmary of Alambrada de Manacas Prison for amputation of his left leg owing to thromboangiitis obliterans in the leg. Despite his condition, on 25 April 1991, he was allegedly taken to the punishment cells by agents of the Ministry of the Interior, who confined him in the cell known as the "solero", which had no roof, just a grating which let the sun and rain in. Reportedly kept there for 24 hours and attempted to commit suicide.

35. Pedro Manuel Vilorio García, aged 27, held in Alambrada de Manacas Prison.

On 1 April 1991, after taking a bath and climbing to the third level of his bunk, he reportedly got a powerful electric shock. He fell, received a severe blow to his head and suffered a respiratory failure. The other prisoners took him to the prison infirmary, where no medical attention was provided, owing to the absence of the doctor. There was a reported delay of 24 hours before he was sent to the provincial hospital of Villa Clara.

36. Mario Santana Fontela, aged 21, native of Santa Clara.

Alleged to have been brutally beaten by a guard in section 2 of the provincial prison of Santa Clara, Villa Clara, on 30 April 1991.

37. Noel Toledo Delgado, aged 21, native of Remedios.

Reported to have been beaten with a stick and kicked in the stomach by a guard in section 3 of the provincial prison of Santa Clara, Villa Clara, in April 1991.

38. Arnaldo Pérez Martí, aged 29, native of Remedios.

Reportedly received a beating in February 1991 from a group of guards in the provincial prison of Santa Clara, Villa Clara, led by First Lieutenant Juan de la Cruz. The prisoner was placed in solitary confinement and lost consciousness on two occasions.

39. Raúl Figueroa Castro, aged 27, native of Caibarien.

Brutally beaten on 14 March 1991 in the provincial prison of Santa Clara, Villa Clara, by 10 officers of the Ministry of the Interior led by Sergeant Joaquín Calloso, who reportedly kicked him in the mouth causing a wound that required three stitches in the upper lip. The guards Savino González Rodríguez, Gustavo, Machín, Omar, Marín and Mesa participated in this incident, administering blows with sticks and machetes. The victim was confined to a punishment cell, and Major Figuero allegedly told him that that was the treatment which "counter-revolutionaries" deserved.

40. Carlos Font Reyes, residing at Consulado No. 304, entre Neptuno y Virtudes, Havana.

Reportedly beaten with rubber truncheons on 4 May 1991 in the "Special Area" of Building No. 2 in Combinado del Este Prison by prison guard Erasmo and two other soldiers.

41. Antonio Serrano

Known as "Tony Arcenta". Alleged to have been savagely beaten during the first half of February 1991 by Sergeant Llero in Kilo 7 Prison in Camagüey. The prisoner reportedly had to be taken to the intensive-care unit of the hospital.

42. Marcos Julio

A young man from the province of Pinar del Río, who in August 1991 was accused of using "enemy propaganda". Reportedly admitted to the Psychiatric Hospital, also known as Mazorra, where he is alleged to have been subjected to 12 sessions of electro-convulsive therapy.

43. Arturo Alvarez Varela, aged 52, employed at the Bacuranao milk plant, on the Guanabacoa highway, and residing at Santa Isabel 2615, entre calles Paula y Otero, sección Jacomino, San Miguel del Padrón.

Reportedly tortured in the detention centre at the corner of calles 100 and Aldavó, a branch of the Technical Department of Investigations. He was arrested on 27 December 1990 and accused of crimes against the security of the State and of illegally selling milk from the plant. He was visited by relatives, who found him in a pathetic nervous condition and with his shirt bloody from the blows which he had received and which had broken his nose. He was transferred to Combinado del Este Prison and declared that he had been put in the refrigeration plant and in a completely dark cell, in which it was impossible to sleep. His relatives had been threatened that they would be imprisoned if they revealed anything about his condition and that he would be punished even more severely if he reported what had happened to him during his imprisonment.

44. Higinio Vergara Linares, Benito García Olivera, Ernesto Arregoitia Rubio, Julián Lago Estrada, Arcelio M. Ramos Lechuga, Eduardo Delgado de la Puente.

A group of prisoners suffering from serious health problems. Higinio Vergara Linares, aged 74, a prisoner since 1974, 8 operations. Benito García Olivera, aged 68, has already spent 8 years in prison, suffering from hypertension and obesity. Ernesto Arregoitia Rubio, aged 54, 14 years in prison, suffering from diabetes and hypertension. Julián Lago Estrada, aged 40, advanced diabetes. Arcelio M. Ramos Lechuga, aged 58, 20 years in prison, suffering from hypertension, lymphangitis, and allergies. Eduardo Delgado de la Puente was sentenced in 1980 to death for rebellion but his sentence was commuted to 30 years' imprisonment; he is suffering from an advanced case of ganglionic tuberculosis. According to information received, these persons have not been given proper medical treatment.

45. Rafael Hernández Pérez

Reportedly beaten by guards in Alambrada de Manacas Prison, in the province of Villa Clara, in February 1991.

46. Iván Espinosa and Jorge Luis García

Reportedly beaten by 21 officers of the Ministry of the Interior in their punishment cells, in Alambrada de Manacas Prison, in the province of Villa Clara, in February 1991.

## 3. DISAPPEARANCES

47. Marcelino de la Cruz Mitjain Díaz, ex-university professor of Marxist philosophy.

Whereabouts unknown since 2 September 1991, the date on which María Celina Rodriguez, President of Libertad y Fe was arrested. Professor Mitjain Díaz had met the activist at her home on 29 July 1991. Mitjain had reportedly received threats before and was dismissed from his professor's chair and suspended from teaching for eight years from September 1980.

48. Antonio Leal and Fernando Ramos

Residents of Varadero, Province of Matanzas. Reported to have disappeared in 1990 after being arrested by agents of the Department of State Security.

## 4. RIGHT TO ENTER AND LEAVE THE COUNTRY

49. Mario Chanes de Armas

Released on 16 July 1991 after 30 years in prison. Has requested exit visa to join his family in Miami; request denied by the authorities.

50. Lázaro Linares Hechevarría

Member of the Asociación Pro-Arté Libre (APAL). Reportedly sentenced to 18 months' deprivation of freedom for leaving the country illegally in 1988 and attempting to speak to the United Nations Commission on Human Rights in the same year as a prisoner. Imprisoned at Combinado del Este. Residence: Calle Revillagigedo 105 or 155, entre Gloria y Misión, Central Havana, Havana.

51. Samuel Hernández Reyes, Juan David Jiménez Ramos and Alfredo Jiménez Ramos (Case No. 46 of 1980)

Reportedly in Combinado del Este Prison, Havana, serving a 25-year prison sentence for seeking political asylum in the residence of the Papal Nuncio, which is considered an act against the security of the State affecting the right to extraterritoriality and against the interests of the diplomatic representations of foreign States.

52. Pascual Ovidio Delgado Fernández and Rómulo Juan Delgado Fernández (Case 20 of 1981)

Reportedly sentenced to 45 years in prison for seeking political asylum in the Ecuadorian Embassy, which is considered an act against the security of the State affecting the right to extraterritoriality and against the interests of the diplomatic representations of foreign States.

53. Nydia S. Cartaya Medina

Attempted to join her husband, ex-Lieutenant-Colonel Joaquín Mouriño Perez, who was exiled in 1985. Denied permission to leave the country for herself and daughters. Her daughters have apparently been the object of reprisals since they have not been able to continue their studies or to work. The mother is being watched and followed and her telephone calls and mail are intercepted. She had an interview with the Group which visited Cuba in 1988.

54. José Aguila Caro

Resident of Guane, province of Pinar del Río. Reported to have disappeared in May 1990 following his attempt to leave the country illegally.

55. Ernesto Rodríguez Manzanares

Resident of Santiago de Cuba, province of Santiago de Cuba. Reported to have disappeared in 1990 following an attempt to leave the country illegally through Guantánamo naval base.

56. Osvaldo Cortés, José Catarelo and Lázaro Quintana

Residents of the province of Ciudad de La Habana. Reported to have disappeared in 1990, in the months of April and June respectively, after attempting to leave the country illegally.

57. Alfredo Alvarez Rodríguez, Manuel Forcades and Máximo Montero

Residents of the province of Ciudad de la Habana. Reported to have disappeared in 1990 after attempting to leave the country illegally.

58. Miguel J. Guitart Rosell

According to information received in November 1991, this person, who is at present in the United States of America, would like to return to Cuba, where his wife, two daughters and young son live, at the following address: Ursula 376, Sevillano, Havana.

## 5. UNLAWFUL OR ARBITRARY DETENTION

59. Pedro Nazco Alvarez

Father of the political prisoner Ares Nazco Marrero, reportedly subjected to mental and physical torture at the hands of police officers at the Kilo 7 Prison in Camagüey. Arrested in 1991 for protesting against his son's plight.

60. Emerita Elejalde Sarrocent

Reportedly arrested on 12 March 1990 for having signed a letter supporting the United Nations Commission on Human Rights resolution.

61. José Irene Padrón Dueñas

Activist in the Cuban Committee for Human Rights (CCPDH), reported to have been arrested on 4 September 1990 in Havana and taken to the headquarters of the State Security Department, where, at the end of September, he apparently went on hunger strike as a protest against his detention. It is believed that the reason behind his detention may have been his public condemnation of the detention of his brother-in-law, Félix Alexis Morejón Rodríguez, or his participation in action organized by the Asociación Pro-Arte Libre (Free Arts Association) (APAL).

62. Eduardo Rubén Hoyo Ortiz

No official charges have been brought. Reported to have been detained at Villa Marista since 3 October 1990. Tried on 14 September 1990 and sentenced to six years' imprisonment.

63. Leandro Hidalgo Pupo

Reported to have been arrested on 24 February 1990 for shouting "Down with Fidel Castro" during an international boxing tournament at the Ciudad Deportiva sports complex in Havana. According to witnesses, he was beaten. He is currently in the Carbó Serviá ward of Havana Psychiatric Hospital (in the block set aside for State Security detainees), allegedly suffering from paranoid schizophrenia and moderate personality disorders. The authorities have stated that he will be transferred to an ordinary block in the same hospital. His medical case number is 83534 and he has been diagnosed as suffering from paranoid schizophrenia and a moderate personality disorder. He has been admitted to the National Psychiatric Hospital on three previous occasions.

64. Aurea Feria

Reported to have been arrested on 25 December 1989, accused of attempting to obtain asylum in embassies of socialist countries, and released on 29 December 1989. It seems that on 19 January 1990 she was arrested once again without charge and transferred to the Occidente women's prison. On 15 July 1991, she went on hunger strike to protest against being held in the same block as ordinary prisoners.

65. Félix Fleitas Posada

A former political prisoner of the 1960s, who has always maintained close links with the Cuban Committee for Human Rights (CCPDH). It is reported that in April 1991 he was arrested at his home in Havana and that the secret police raided his house and took away his books and documents. According to information received, Mr. Fleitas has since then been kept incommunicado and undergone thorough interrogation at Villa Marista.

## 6. RIGHT TO DUE PROCESS

66. Luis Enrique Linanciero Martínez, Iveline Camejo Molerio, Juan Carlos Sierra Pérez, Miguel Angel Fernández Crespo, José Luis Martínez Vidal, Francisco Rosado Torres, Guillermo Campos Muñiz, Ares Nasco Marrero, Guillermo Zenón Santos Dávila, Moisés Ariel Vialart del Valle, María Margarita García Valdés

Members of the Youth Association for Human Rights (AJPDH), reported to have been tried in 1990 for activities related to their alleged membership of the organization, which the authorities believe to be the armed wing of the Cuban Party for Human Rights (PPDHC). Linanciero Martínez, Camejo Molerio, Sierra Pérez, Fernández Crespo and Martínez Vidal were sentenced to 15 years in prison; Rosado Torres to 10 years; Campos Muñiz and Nasco Marrero to 8 years; Santos Dávila, and Vialart del Valle and García Valdés to three years' limited freedom. It seems that the accused had no access to their defence lawyers before going to trial and may not have enjoyed full judicial guarantees during it. It is not known if they have appealed against the sentences. Although there is little information about the trial, it seems that the accused denied being involved in violent activities.

67. Daniel Azpillaga Lombard, Tomás Azpillaga, Basilio Alexis López and Rigoberto Martínez Castillo

These four Cuban citizens are reported to have been arrested and beaten during a demonstration demanding freedom for all political prisoners outside Villa Marista (State Security) in Havana on 6 September 1991. At the trial, which was held without any prior notice being given to the detainees, their families or counsel, they were accused of disturbing the peace. The Public Prosecutor asked for the following sentences: two years for Daniel Azpillaga Lombard, ten months for Tomás Azpillaga and Basilio Alexis López, and 11 months for Rigoberto Martínez Castillo. They were sent to Taco Taco, Cinco y Medio and Guanajay.

68. Doctors Julián Araña Rosaínz and Julio Bientz Saab

Neurologists at the Havana Neurological Hospital, reported to have been arrested on 26 October 1990 by agents of the State Security Forces. They were apparently transferred in December to Combinado del Este Prison in Havana and have remained there. On 25 June 1991, Dr. Araña and his colleague Dr. Bientz Saab were taken before the People's Provisional Tribunal and, on 9 July 1991, sentenced to 8 and 12 years' imprisonment respectively for "offences against the security of the State" and "enemy propaganda". Judicial guarantees were absent during the trial, no evidence was produced, and the accusation was based solely on the affirmation that the accused had "admitted responsibility" during interrogation at Villa Marista.

## 7. RIGHT TO SECURITY

69. Dr. Rolando Rafael Baxter and Noel Argota Ortiz

Reported to have been arrested on 27 July 1991 in Holguín. There is some concern over the fate of both detainees in the light of the wave of murders by members of security forces in the region in recent months.

70. Abelardo Teneiro Alvarez, Fidel Vila Linares, Jacinto Fernández and Felipe Alonso Morejón Rodríguez

Activists in the Cuban Committee for Human Rights (CCPDH) held in Manacas Prison, who have complained about the violations suffered by prisoners. In April 1991 they were allegedly taken to the office of the prison governor, where a State security official named Cepero threatened them with further punishment and charges such as "enemy propaganda". Teneiro and Vila have constantly complained about the sanitary and living conditions in prison. Jacinto Fernández, a political activist, serving his sentence in Combinado del Este Prison, is allegedly under constant surveillance and subjected to arbitrary inspections to keep him on edge. On 4 May 1991, Felipe Alonso Morejón Rodríguez, a provincial delegate of the CCPDH in Ciego de Avila, held in Canaleta Prison, allegedly received a "courtesy visit" from State Police Captain Miguel Suárez Rodríguez, who was trying to obtain signatures so as to be able to accuse political activists of forming counter-revolutionary groups.

71. Raúl de la Rosa

Allegedly kept in solitary confinement for 21 days in April 1991 for complaining to a prison official about the living conditions in Alambrada de Manacas Prison in the province of Villa Clara.

72. Roger Abreu Azcuy, Silvio Aguila Gómez, Roberto Calveiro León, Daniel Cardó Hernández, Arturo Montané Ruiz, Ares Nasco Marrero, Rommel Pozo Montero, Manuel Regueiro Robaina and Francisco Rosado Torres

All "new plantados", who are reported to have gone on hunger strike to protest against the living conditions in prisons. They were split up and transferred on a number of occasions to various prisons far from their respective families.

73. Eriberto del Toro and Miriam Zaragoza Pérez

These members of the CCPDH in Holguín are reported to have been harassed by security forces. Eriberto del Toro received calls in the early hours of the morning and insults and death threats during the day. Miriam Zaragoza Pérez, who lives at Calle 20 de Mayo, No. 56, altos, entre Cuba y Tarayalde, reparto Vista Alegre, was allegedly visited by a security official, who interrogated her on her activities in the Committee and threatened her with imprisonment if she continued to belong to it.

74. Rodolfo Rojas Triana and Alex Herrera

Reported to have gone on hunger strike in May 1991 to protest against being held with ordinary prisoners in Combinado del Este Prison. They were transferred to a punishment cell. Mr. Rojas Triana was freed on 25 October 1991 but arrested only days later and taken to the psychiatric hospital in Mazorra, to the Serviá block, from which he escaped. It seems as though the police have ordered him to be recaptured, which gives rise to concern for his safety.

75. Luis Alberto Pita Santos

Chairman of the Association for the Defence of Political Rights (ADEPO). He is reported to have been arrested on 9 October 1991 and taken to the psychiatric hospital in Havana, where he underwent medical tests to determine if he was fit to stand trial. On 11 November 1991, he was transferred to Police Unit No. 6 following a diagnosis which stated that he was of sound mind.

## 8. RIGHT TO WORK

76. Rómulo Michelena

An activist in the Movimiento Armonía (MAR) arrested on 30 June 1991. He is reported to have been dismissed from his job as administrator of the La Palma recreation centre on grounds of political dissent.

77. Héctor Castañeda, Radio Enciclopedia and Angel Mas Betancourt, assistant manager of the Havana Teatro de Música. They were dismissed from their respective employment following their signature of the "Declaration of Cuban Intellectuals".

78. Marta Lago

Writer and activist in the MAR, arrested on 30 June 1991. She is reported to have been dismissed from her employment in the Department of Information of the National Committee of the Union of Young Communists on grounds of political dissent.

79. Nancy Estrada Galván

Journalist for the magazine Mujeres, the publication of the Federation of Cuban Women. She is reported to have been dismissed on 3 June 1991 and told by the magazine editor that she could no longer work there following her signature of the "Declaration of Cuban Intellectuals".

80. Manuel Manrique Zulueta and Lázaro Cuesto Collazo

Dockworkers who, it would seem, were dismissed from their employment when on 8 July 1991 an administrative decision was passed in which they were accused of having violated articles 41 and 42 of the internal regulations of the Terminales Mambisas enterprise, since, according to reports from the Department of State Security, they were involved in "offences against the security of the State". They are members of the MAR, and were arrested for a short time on 30 June 1991, together with Yndamiro Restano, Chairman of the MAR.

81. Rafael Gutiérrez and Alfredo González Poey

Members of the MAR, arrested on 30 June 1991. During the first week of June they are reported to have been dismissed from their posts in the Union of the Merchant Marine, Ports and Fisheries by the Confederation of Workers of Cuba (CTC) in retaliation for their dissent.

## 9. RELIGIOUS FREEDOM

82. Alejandro Rodríguez Castillo

Reported to be detained in Combinado del Este Prison. In May 1990, his bible was stolen from him. When the authorities refused to provide him with another, he went on hunger strike and was then transferred to a punishment cell.

83. Edito Cruz

Reportedly sentenced to three months' imprisonment for holding a religious vigil for three political prisoners who have been in gaol for a long time.

84. Oscar Peña Rodríguez

A Jehovah's Witness, who was apparently arrested on 12 December 1989 and taken to the psychiatric hospital in Sagua, where he was given large doses of psychotropic drugs.

85. Mabel López González, Fidel Díaz Pacheco, Alberto Bárbaro Villavicencio, Narciso Ramírez Lorenzo, Alfredo Falcón Moncada and Mercedes Peito Paredes

Jehovah's Witnesses. Reported to have been detained in Sagua la Grande, province of Villa Clara on 18 January 1990. Religious literature belonging to them was confiscated and they were accused of possessing clandestinely printed material.

86. Marcela Rodríguez Rodríguez, Paulino Aguila Pérez, Ramón López Peña and Guillermo Montes

All Jehovah's Witnesses, apparently fined by San Cristóbal Municipal Court on 2 August 1990 for possessing religious literature.

87. Emilio Rodríguez

Reported to have been accused of having religious publications relating to the Jehovah's witnesses in his possession at the end of February 1990 in Santa Clara, province of Villa Clara. According to the report, he was taken to a psychiatric hospital for a time.

## 10. FREEDOM OF EXPRESSION AND INFORMATION

88. Pedro Alvarez Martínez

Member of the Cuban Party for Human Rights (PPDHC) reported to have been arrested in December 1989 and sentenced to five years' imprisonment, accused of possessing clandestinely printed material. Held at Combinado del Este Prison.

89. Oscar de Céspedes Chávez

Reported to have been sentenced to fourteen years' imprisonment, accused of "enemy propaganda" and espionage (Case No. 341-87). His prison file number is 122283. Held in the City of Havana.

90. María Elena Cruz Varela

Writer, expelled from the Union of Writers and Artists of Cuba, the official trade union, in February 1991. On 15 June 1991, Granma, the official daily newspaper of the Communist Party, published an editorial describing the author as "an inexperienced writer, hitherto unknown either at home or abroad". The same day, members of the local Committee for the Defence of the Revolution (CDR) (neighbourhood watch group) gathered in front of her building shouting that she should leave the country. In May 1991, Mrs. Cruz had signed the "Declaration of Cuban Intellectuals" which called for a national debate on the country's future, direct legislative elections and an amnesty for all prisoners of conscience. She is afraid that her work will not be published. According to recent information, on 19 November 1991 Mrs. Cruz was arrested at her home in Havana as a result of an "act of repudiation". A group of some 300 persons arrived at her home in official cars, some of whom were armed and were using walkie-talkies. They entered her house by force and ill-treated and injured the persons present. Mrs. Cruz, her daughter and Mrs. Gladys González Noy were arrested and taken to Alamar Police Station, where they were kept for six hours before being released. Mrs. Cruz was rearrested on 21 November, along with three other members of Criterio Alternativo, Fernando Velásquez Medina, Pastor Herrera and Jorge Pomar, and taken to the Department of State Security in Villa Marista. On 27 November she was tried and accused of unlawful association. She was not allowed to appoint counsel. The hearing lasted approximately four hours and Mrs. Cruz was sentenced to two years in prison.

91. Miriam Aguilera de Hoyo

A member of the Cuban Committee for Human Rights (CCPDH) reported to have been arrested in Villa Clara on 22 March 1990 for distributing "enemy propaganda".

92. Miguel Angel Sordo Quintanilla

Reportedly arrested, punched and beaten with pistols by the police when he was caught painting anti-government slogans on a wall in Havana on 22 June 1991. He is believed to have been taken to Villa Marista.

93. Edith Esther Cruz Rodríguez

Reported to have been arrested in April 1989, along with other members of the Cuban Party for Human Rights when they were trying to organize a demonstration during Gorbachev's visit. She was sentenced to three months in prison, but the sentence was cut short for health reasons. In November 1989, she was arrested once again, apparently for issuing a press communiqué on a demonstration in support of the political prisoner Alfredo Mustelier. No

fresh charges were brought, but she was imprisoned in Occidente Women's Rehabilitation Centre to serve the sentence cut short in April. She was freed on 8 February 1990.

94. Roberto Ríos Alduncín

Sentenced to six years' imprisonment. Reported to have been freed by order 24 of the Ministry of the Interior on 18 February 1987 and sent back to prison on 28 July 1989. Prison: Taco Taco, Pinar del Rio. Offence: enemy propaganda, other offences against the security of the State, forgery and the possession of forging equipment. Prison file number: 1214664. Address: Calle Concordia 225, 2o. piso, Apt. F., entre Manrique y Campanario, Centro Habana, City of Havana. He is a member of the Cuban Commission for Human Rights and National Reconciliation.

95. Miguel Aldama and Angel Gálves

Members of the Martí Committee for Human Rights. At the end of June 1991, they were allegedly detained for a short period by the State security police at the Arroyo Naranjo State security centre in Havana and threatened with regard to their human rights activities by an official known as Felo.

96. Reinaldo Cosano and Reinaldo Rodríguez

Members of the CCPDH, reportedly to have been visited at their respective homes in East Havana by José Alberto, a State security agent. They were threatened with imprisonment if they continued their human rights activities.

97. Ricardo Figueras Castro

Member of the CCPDH reported to have been arrested in August 1989 and put on trial on 25 June 1990 at the People's Provincial Tribunal, accused of enemy propaganda and trying to leave the country illegally. The accusation concerning enemy propaganda could be related to his attempt to speak out in support of his workmates at the Julio Antonio Mello factory.

98. Félix Alexis Morejón Rodríguez

Reported to have been arrested on 21 November 1989 in Ciego de Avila, province of Camagüey, put on trial on 21 June 1990 and sentenced to two years in prison for "enemy propaganda". Held at Ciego de Avila provincial prison. It seems that he was the secretary of the CCPDH in the province.

99. Jorge Andrés Quintana Silva

Member of the Proyecto de Apertura de la Isla (PAIS). Occupation: fourth-year mathematics student at the University of Havana. Charges against him: after several months in detention, he turned out to be accused of "enemy propaganda". Date of arrest: 1 April 1990. Place of detention: Villa Marista, although for several months he was transferred to Combinado del Este. On 10 June 1990 he was sentenced to three years' limited freedom.

100. Carlos Ortega

Aged 24. Occupation: student of mathematics at the University of Havana. Date of arrest: 1 April 1990. He is a member of the group known as the "seguidores de Mello", who sent a letter to the Young Communists' League, expressing their disagreement with the way the country was being governed. He was tried on 10 June 1990 and sentenced to three years' restricted freedom. He was expelled from the University of Havana.

101. Rodolfo Gerónimo Novas Hernández

Member of the PPDHC and has been held at Combinado del Este since 26 January 1990 for the offence of "enemy propaganda".

102. Jaime Toledano Rodríguez

Aged 29. Occupation: agronomist. He was charged with "enemy propaganda" and sentenced in 1990 to three years' imprisonment. Reported to be held at Cerámica Roja prison in Camagüey.

103. Jacinto Abelardo Tenreiro Alvarez

Born in 1931 in Santa Clara. He was convicted in 1961 and completed his sentence in 1973. In 1988 he joined the CCPDH and became the Committee's Provincial Delegate in the province of Villa Clara. On 22 March 1990 he is reported to have been arrested, together with other members of the Committee, charged with "enemy propaganda" and sentenced to 18 months' imprisonment. Held in Alambrada de Manacas Prison.

104. Ricardo Jorrín Verdecia

Aged 39. In 1990 was sentenced to three years' imprisonment for "enemy propaganda". Reported to be held at Cerámica Roja Prison in Camagüey.

105. Aurelio Martín Roca

Aged 50, an electrician, and

Pedro Martín Roca, a driver, and former official of the G-2 Group. They were arrested in 1990, accused of "enemy propaganda" and sentenced to three years in prison. They are reported to be held in Cerámica Roja Prison, Camagüey.

106. Humberto Eloy Espinosa Gómez

Member of the Association for the Defence of Political Rights (CADEPO), residing at Calle 59, No. 5402, entre 54 y 56, reparto Santa Susana, Cacahual, Santiago de las Vegas. He is reported to have been beaten by four members of the Brigadas de Respuesta Rápida (Flying Squads) for publicly declaring that the so-called Período Especial (Special Period in Times of Peace) was the outcome of all the mistakes which had been made by the Government.

107. Lidia González García and Manuel González González

Members of the PPDHC, reported to have been arrested on 24 January 1989 accused of "clandestine propaganda" for reproducing copies of the PPDHC publication Franqueza. According to information received, they were tried on 24 January 1989, had no access to a defence lawyer and were sentenced to nine and six months' imprisonment respectively.

108. Juan Mayo Méndez

Teacher and student. Reported to have been arrested in January 1990 in Victoria de las Tunas, Las Tunas province, accused of writing anti-government slogans. He was put on trial and sentenced to six years' imprisonment for spreading "enemy propaganda".

109. Juan Gualberto Fernández Valdés

Responsible for religious affairs, he was allegedly dismissed for dissidence and his active role in the Free Arts Association (APAL).

110. Sergio Raúl de la Vega Gómez

Member of APAL, briefly detained over the demonstration outside the Comodoro Hotel during the visit by the Working Group of the United Nations Commission on Human Rights. He was arrested once again in April 1989 and was reported to be imprisoned without charge at Combinado del Este Prison.

111. Leonel Maniedo

Member of the CCPDH, arrested on 22 March 1990 for his active involvement in human rights issues. He is reported to be awaiting trial, accused of enemy propaganda.

112. Reynaldo Betancourt, Julián Jorge Reyes and Aníbal Cruz Martínez

Members of ADEPO, reported to have been arrested on 9 October 1991 and on 16 October sentenced to between two and three years in prison, accused of possessing clandestinely printed material, incitement to commit an offence and unlawful association. Held at Aguica Prison.

## 11. FREEDOM OF ASSOCIATION

113. Esteban González González seven years in prison, Mario Jesús Fernández Mora six years (released on 19 March 1991), Manuel de la Caridad Requeiro Robaina, five years, Manuel Pozo Montero, five years, Arturo Valentín Montané Ruiz, three years, Daniel Ledesma Quifano, three years under house arrest.

Members of the leadership of the Democratic Integrationist Movement. Reported to have been in Combinado del Este since 24 September 1989, serving sentences for organizing a political movement which opposes the regime.

114. Rubén Hoyo Ruiz

Member of the Cuban Committee for Human Rights (CCPDH), arrested on 22 March 1990 for his activities in human rights organizations. Reported to have been sentenced on 26 September 1990 to six years in prison for "unlawful association and subversive propaganda". Held at Santa Clara Prison, province of Villa Clara.

115. Alvaro Alvarez Batista

Politically active in the Martí Committee for Human Rights. Reported to have been held since 17 December 1989 at Villa Marista.

116. Cecilia Romero Acanda

Occupation: civil engineer. Date of arrest: 3 October 1990. Place of detention: Villa Marista, cell no. 74. Charges against her: accused of organizing an unlawful group (a human rights organization). Reported to have been sentenced on 27 November 1990 to between three and ten months' probation.

117. Mario Remedios Rodríguez

Date of arrest: 10 March 1990. Charges against him: accused of organizing an unlawful group (human rights organization). Place of detention: Villa Marista. Reported to have been sentenced on 27 November 1990 to between three and ter months' probation.

118. Ramón Díaz Rodríguez

Aged 55. On 25 January 1983, was convicted of attempting to set up a peasant workers' movement, Zapata, along the lines of Solidarity. Reported to have been sentenced to 20 years' imprisonment. Case no. 67, 1982.

119. Juan Betancourt Morejón

Date of birth: 30 June 1944. Home address: Calle 1, No. 22975, entre 4a. y Central, San Miguel del Padrón, City of Havana 11000. Occupation: carpenter. Date of arrest: 21 April 1990. There may be an attempt to charge him with covering up an attempt to leave the country illegally. Reported to be held in Quivicán Prison. It seems that he has been arrested on numerous occasions for occupying posts on the Executive Committee of the Cuban Party for Human Rights (PPDHC).

120. Manuel de Jesús Leyva

Responsible for APAL public relations. His emigration papers appear to have been cancelled because of his activities in the Association.

121. Eduardo Rubén Hoyos Ortiz

Member of the PPDHC, reported to have been arrested on 10 March 1990 following his signature of a letter supporting the Commission on Human Rights

resolution on Cuba. Accused of membership of a counter-revolutionary organization and sentenced to between 3 and 10 months' imprisonment, which has been commuted to limited freedom for the given period.

122. Roberto Luque Escalona

Leader of Criterio Alternativo. He is a writer and a former editor of an economics magazine at the University of Havana. He lost his job after he established the Cuban Social Democratic Party in 1989. He has also signed the "Declaration of Cuban Intellectuals". According to information received, on 4 July 1991 he was at home, on his fourth day of a hunger strike in protest against the meeting of Latin American Heads of State in Guadalajara and in support of Cuban prisoners who were planning a hunger strike against the Pan-American Games, when a group of around 20 persons gathered in front of his house in an "act of repudiation". They began to chant revolutionary slogans and hurl insults. Mr. Luque went out of his house and shouted at them. The police arrived at the scene and arrested him the very same day. He is reported to have been taken to the National Department of Police Investigations. Information received seems to indicate that he has recently been released.

123. Jesús Contreras, Adolfo González Cruz, Mayra González Linares and Enrique Martínez Martínez

Members of the Indio Feria Democratic Union arrested on 22 January 1990 reported to be still in prison accused of enemy propaganda, serving sentences of three and two years respectively.

124. Miguel Cordero, Ezequiel Díaz Rogríguez (title No. 736295), José Luis Díaz Rogríguez (file No. 736297), Carlos García Díaz (file No. 736298), aged 44, David Hernández Hernández (file No. 736305), aged 49.

On 25 January 1983 they were sentenced to death for having tried to set up a peasant workers' movement called Zapata, along the lines of Solidarity. As a result of international pressure, the death sentence was commuted to 30 years' imprisonment. Case No. 67, 1982.

125. José Luis Pujol and Rodolfo González González

"Acts of repudiation" organized in July 1991 against these persons. Mr. Pujol is the founder of Criterio Alternativo and Mr. González is the founder of the Cuban Committee for Human Rights. Groups of people are reported to have gathered outside their homes shouting revolutionary slogans and hurling insults. Lieutenant Daniel, a security agent, was supposedly seen at one of these demonstrations.

126. Calixto López González

Member of the Council of the Lancheros, a group which monitors the imprisonment of persons who try to leave the country illegally, he is reported to have been summoned to the police station in the Vedado section of Havana for questioning. He had already been summoned on three previous occasions and warned to put an end to his activities in the organization.

127. Pedro Ramón Salabaría Izquierdo

Reported to have been arrested on 16 December 1990 by the State security police and released several days later, with a warning to put an end to his activities on the Lancheros Council.

128. Amador Blanco Hernández

Member of the José Martí National Committee on Human Rights, who is reported to have been arrested on 14 May 1990 for his human rights activities, then released, but kept under house arrest pending trial, accused of "raiding a neighbour's house". He was tried on 27 June 1990.

## IV. ISSUES AND QUESTIONS CONTAINED IN THE REPORT OF THE MISSION WHICH TOOK PLACE IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106

20. As stated earlier (para. 1), the mandate of the Special Representative is defined in resolution 1991/68, in which the Commission requests him to maintain direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba (E/CN.4/1989/46 and Corr. 1). Chapters II ("Constitutional and legal aspects of human rights in Cuba"), III ("Civil and political rights") and IV ("Economic, social and cultural rights") of the report deal with those issues and questions, while its annexes include allegations about individual cases on which the Government of Cuba was requested to provide comments and reactions as it deemed appropriate. The report contains the replies received from the Cuban authorities up to the time of its publication.

21. Even before the publication of the report, the group which made the visit to Cuba received information concerning alleged reprisals against persons who had made contact with the group in Cuba, either in order to provide it with documentation and information, or to testify before it directly. The names of the alleged victims of those reprisals are contained in annex XIII to the report.

22. The Special Representative has received no direct information from the Government of Cuba concerning the charges of reprisals against the witnesses who gave testimony to the group which visited Cuba in 1988, but the Secretary-General refers to them in the report he submitted to the Commission in 1991 (see document E/CN.4/1991/28, para. 9). In that report he states that he had repeatedly been in contact with the Government of Cuba concerning the situation of 22 persons who, in one way or another, had cooperated with the mission. He adds that "The Minister for Foreign Affairs of Cuba provided me with information on each of these cases, and indicated that the persons I had mentioned had been accused of activities or acts committed since the mission's visit and unrelated to it; he reiterated that Cuba could not be required 'to grant permanent immunity to certain citizens simply because they had participated in acts connected with the presence of the mission'." He concludes "I did not consider it feasible to submit to the Government of Cuba, under the mandate I had received from the Commission, cases of detention that

had occurred in 1990 in view of the time that had elapsed since the mission's visit, although I did raise some of these cases in the context of my good-offices functions."

23. The names of the 22 persons referred to by the Secretary-General in his report, who are listed in annex III to the mission's report, are: Enrique Acosta Ruiz, Armando Araya García, Roberto Bahamonde Massot, Lázaro Angel Cabrera Puentes, Hiram Abi Cobas, Tania Díaz Castro, Juan Enrique García Cruz, Lidia González García, Manuel González González, Manuel González Rosell, Hubert Pérez Marino, Gilberto Plasencia Jiménez, Samuel Martínez Lara, David Moya Alfonso, Alfredo Mustelier Nuevo, Ramón Obregón Sarduy, Roberto Jesús Pagan Díaz, Pedro Roberto Pupo Sánchez, Lázaro Rosa Arbolay, Leonardo Leonel Rubio Montalvo, Elizardo Sánchez Santa Cruz and Sergio Raúl de la Vega Gómez. At the time at which the Secretary-General prepared his report, 19 of these 22 persons were reported to have been released or to be on parole and three were reported to be serving prison sentences.

24. It should be noted that annex XIII to the mission's report contains the names of persons who are not mentioned in the Secretary-General's report and who, according to communications received by the group, have been subjected to reprisals as a result of their having made contact with the mission in Cuba. Those persons are: José Carlos Montero Ocampo, Rita Fleitas Hernández, Guillermo Luis Santoya Morejón, David Moya Jiménez, Carlos Echevarría, Romano López Reinoso, Jesús Leiva Guerra, Rafael Gómez, Aida Valdés Santana, Francisco Benítez Ferrero, Alejandro Benítez Ferrero, Gustavo Venta, Lázaro Linares Echevarría, Ernesto Ibañez Basnuevo, Raúl Alemán Valdés, Alberto Anaya, Vladimir García Alderete, Secundino Hernández Castro, David Hormedo García and Raúl Gómez de Molina. The Special Representative has received no information from official sources concerning these cases.

25. Chapter II of the mission's report deals with the "Constitutional and legal aspects of human rights in Cuba" and is based on a note sent by the group to the Government of Cuba on 29 August 1988 containing a series of questions concerning certain constitutional and legal matters relating to its mandate. During the visit to Cuba, the government authorities referred to a number of those questions and provided the replies which are reproduced in the mission's report. However, the group felt that certain questions remained unanswered, and therefore included in annex XVI to its report those questions which called for explanatory information. The Commission refers to those questions in operative paragraph 2 of its resolution 1990/48, in which it calls upon the Government of Cuba to provide it with a response at its forty-seventh session. That response has not yet been communicated to the United Nations, and on 6 December 1991 the Special Representative therefore sent a letter to the Cuban authorities once again requesting them to provide a response (see annex III). The questions are reproduced in the appendix to the present report

## V. FINAL REMARKS

26. The fact that it was impossible for the Special Representative to establish direct contact with the Government of Cuba and thus to carry out his mandate in full meant that he was obliged to limit his efforts to compiling information supplied by Cuban citizens. The complaints and allegations

received, and subsequently communicated to the Cuban authorities for their comments, have so far remained unanswered, which also means that they have not been contradicted. In the absence of any official version of events, those allegations and complaints merit the attention of the international community, which has been expressing its concern in various international forums at the human rights situation in Cuba. It is possible that the Government of Cuba may have provided explanations concerning some of the individual cases referred to in those reports in the replies it has submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, but any such replies are not available to the public. It should be noted that the Government of Cuba has been duly fulfilling its obligation of replying to communications transmitted to it by the Centre for Human Rights, in accordance with the above-mentioned confidential procedure.

27. By comparison with the allegations and complaints received by the working group which visited Cuba in 1988 and which are contained in its report (E/CN.4/1989/46 and Corr.1), the number of complaints concerning the right freely to enter and leave the country has fallen considerably. The majority of cases reported over the past two years relate to disappearances arising out of failed attempts to flee the island of Cuba, under conditions which put the lives of those thus seeking to emigrate at risk. The authorities have now stepped up the granting of exit permits, but the lack of an established emigration system and the limits imposed by certain countries on the granting of visas are factors which, together with Cuba's difficult economic situation, have led to an increase in the numbers of people attempting to leave the country in extremely dangerous circumstances.

28. By contrast, allegations of acts of persecution against dissidents and opponents of the regime - whether in the form of simple harassment, threats or summary judicial proceedings, sometimes without due guarantees of the right of defence - have increased alarmingly. According to the information received, the rights most frequently curtailed are those of free expression and association. Although it is not possible to speak of a general, massive and indiscriminate pattern of official violation of citizens' rights, there are nevertheless sufficient grounds for signalling the absence of guarantees relating to the exercise of the rights of political participation, expression and association for those who criticize the authorities without resorting to violence.

29. The repressive treatment of opponents extends to frequent abuses committed against the prison population, particularly in the case of those detained for political reasons. Many of the allegations received speak of maltreatment, violent interrogations, beatings and excessive punishments for those considered to be enemies of the regime. Sentences for offences deemed to be "a threat to State security" are in general now shorter than in previous years, but prison conditions do not appear to have improved. There are also reports concerning the use of psychiatric treatment for alleged offenders, and there are serious fears that such treatment may be being improperly or illegally used.

30. The undeniable progress made by the revolutionary Government of Cuba in relation to the economic, social and cultural rights enjoyed by the population is now seriously threatened as a result of the changes which have occurred on the international scene, both in the political sphere and in the sphere of foreign trade. The already serious difficulties caused by the economic and commercial embargo imposed on Cuba in recent decades have now been augmented as a result of the radical change in the relations between the countries with which Cuba had established political, economic and commercial links that were the basis of its development policies. This change has led to a serious deterioration in Cuba's economic life, which could irreversibly undermine the gains achieved over many years of collective effort. Unfortunately for the cause of human rights, the Cuban authorities have decided to confront this difficult economic situation by stepping up their repressive control of alleged opponents of the regime, the majority of whom are seeking non-violent changes in circumstances which they find intolerable. The rights of free expression, political participation and free association have been seriously curtailed.

31. One of the most disturbing signs of this repressive tendency was the setting up, in 1991, of the so-called "flying squads" (brigadas de respuesta rápida), whose function is to forestall any attempt at public protest through the application of generally violent means of control and punishment. These squads are also responsible for the "acts of repudiation", in which - with the apparent backing of the authorities, or at least their toleration - groups of citizens acting, according to official sources, spontaneously and with the intention of expressing their rejection of opponents of the regime, harass, publicly insult, commit acts of violence against and attempts on the personal safety of alleged dissidents and activists. The most serious such incident to have come to the notice of the Special Representative was the attack on the house of the writer María Elena Cruz Varela on 19 November 1991, when a mob, apparently acting under official protection, shamefully mistreated her and took her to Villa Marista (State Security Department), together with Fernando Velásquez Medina, Elvira Baró, Jorge Pomar, Hubert Luis Matos Sánchez, Eliécer Aginar, Pastor Herrera and Gabriel Aguado. Accused of "unlawful association", Mrs. Cruz Varela was sentenced to two years' imprisonment following a trial which lasted four hours.

32. It is regrettable that the Government of Cuba should have taken the decision not to cooperate with the Special Representative in the performance of his mission, and hence with the Commission on Human Rights in the fulfilment of its responsibilities as a supervisory body of the United Nations system. The vigilance of the international community with regard to the respect that is due to the instruments which specify the duties of States requires that those States cooperate in a spirit of solidarity and internationalism. For as long as these conditions remain unfulfilled, tasks such as that with which the Commission entrusted the Special Representative will continue to be limited by the impossibility of gathering all of the facts necessary for the establishment of more solidly grounded conclusions - all the more so when, as in the present case, the economic and political context is one which continues to be the subject of passionate debate and which is almost unique in the extent to which it renders immensely difficult any attempt at an objective and impartial appraisal that goes beyond the continuing controversy reflected daily in the media.

# ANNEXES

## Annex 1

### Letter dated 30 July 1991 from the Special Representative of the Secretary-General addressed to the Minister for Foreign Affairs of the Republic of Cuba

Sir,

I have the honour to refer to Commission on Human Rights resolution 1991/68 of 6 March 1991, entitled "Situation of human rights in Cuba", the text of which is enclosed. a/ This resolution was adopted by the Economic and Social Council by its decision 1991/252 of 31 May 1991.

In accordance with the terms of resolution 1991/68, the Secretary-General, after consultation with the Chairman and the Bureau of the Commission on Human Rights, has appointed me as his Special Representative to carry out the mandate set forth in that resolution. In pursuance of Commission decision 1989/113, I shall be responsible for maintaining direct contacts with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission carried out in Cuba. In agreeing to perform those functions, I am fully aware of the importance of the responsibility with which the Commission has entrusted me, and wish to assure you that I shall spare no effort to fulfil my mandate in the most impartial and objective manner possible.

I am confident that the Government of Cuba will constitute a fundamental source of information, and while I have noted the position it has expressed at recent sessions of the Commission on Human Rights and the Economic and Social Council, I should be grateful to your Government for any cooperation it can afford me in the fulfilment of my mission.

The nature of the mandate conferred upon me makes it very important that I should be able to initiate contacts with the competent Cuban authorities as soon as possible. I should therefore be sincerely grateful if you could use your good offices to facilitate for me such contacts as may yield the information that is necessary for a task of this nature.

Finally, I should like to inform you that I am at the disposal of the Permanent Representatives of the Republic of Cuba to the United Nations in New York and to the United Nations Office and other International Organizations in Geneva for any information that the Government of Cuba may require concerning the manner in which I am to carry out my mandate.

Accept, Sir, the assurances of my highest consideration.

(Signed) Rafael RIVAS POSADA

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a/ For the full text of the resolution, see Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22-E/CN.4/1991/91), Chap. II, Sect. A.

Annex II

Letter dated 2 December 1991 from the Special Representative of the Secretary-General addressed to the Minister for Foreign Affairs of the Republic of Cuba

Sir,

On 30 July 1991 I had the honour to inform you of my appointment as Special Representative of the Secretary-General, under the terms of resolution 1991/68 adopted by the Commission on Human Rights on 6 March 1991 and entitled "Situation of human rights in Cuba".

In accordance with paragraph 6 of resolution 1991/68, I shall be required to report to the Commission at its forty-eighth session on the endeavours made pursuant to that resolution. Those endeavours basically consist in maintaining direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba in 1988. I was - and continue to be - confident that I shall receive the cooperation necessary to enable me to visit Cuba in order to pursue in situ the contacts I have been instructed to make and to gather the information that is essential for the preparation of my report.

In contrast to the contacts that I have so far been able to maintain with Cuban citizens, I have been unable to do likewise with the Government authorities in view of the fact that my letter mentioned above has not been answered. Please allow me to remind you that in my letter I requested any cooperation that the Government of Cuba could afford me in the complete fulfilment of my mission, following the consultations necessary to determine the best way of carrying out my mandate.

Reiterating the request contained in my letter of 30 July 1991, I ask you to accept, Sir, the assurances of my highest consideration.

(Signed) Rafael RIVAS POSADA

## Annex III

### Letter dated 6 December 1991 from the Special Representative of the Secretary-General addressed to the Minister for Foreign Affairs of the Republic of Cuba

Sir,

In fulfilment of my functions as Special Representative of the Secretary-General in accordance with Commission on Human Rights resolution 1991/68, I am sending you a list b/ of persons who, according to information I have received, may have been victims of human rights violations in recent years. The document is presented by categories of rights, according to the system used in the report drawn up by the group which visited Cuba in 1988 in pursuance of Commission on Human Rights decision 1988/106 (annex VII).

In order to be in a position to assess the seriousness and gravity of the allegations, I consider it essential to have the Cuban authorities' version of the cases included on the list, together with any information that the Government of Cuba sees fit to provide to me. Given the need to complete the report that has been entrusted to me in time for its submission at the next session of the Commission on Human Rights, I should be grateful if the reply to this request could reach me before 10 January 1992 at the Centre for Human Rights, Geneva.

I also enclose herewith the questions c/ on constitutional and legal matters which were contained in the note that was sent to the Government of Cuba on 29 August 1988 by the group which prepared the report that was submitted to the Commission on Human Rights at its forty-fifth session. Since no reply to those questions was received at that time, perhaps the Government of Cuba would consider it appropriate to deal with the matter on this occasion.

Accept, Sir, the assurances of my highest consideration.

(Signed) Rafael RIVAS POSADA

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b/ Reproduced in paragraph 19 of this report.

c/ Reproduced in the appendix to this report.

## Appendix

### QUESTIONS ON CONSTITUTIONAL AND LEGAL MATTERS CONTAINED IN THE NOTE SENT BY THE GROUP ON 29 AUGUST 1988 TO THE GOVERNMENT OF CUBA AND NOT ANSWERED BY THE GOVERNMENT d/

1. Individual liberty (arts. 72, 73, 74 and 75 of the Penal Code and arts. 3, 9, 11 and 12 of the Universal Declaration of Human Rights)

With reference to dangerous states and individual liberty, the note sent to the Government of Cuba had the following to say:

> "A 'dangerous state' is defined as 'the special proclivity of a particular person to commit offences, as demonstrated by conduct clearly at variance with the standards of socialist morality' (art. 72). What are 'the standards of socialist morality' and who is responsible for establishing them? Why is a person who merely maintains links or relations with persons who constitute a potential threat to the society, other persons and social, economic and political order of the socialist State officially warned 'against engaging in socially dangerous or criminal activities' (art. 75)?
>
> In connection with so-called 'anti-social conduct' (art. 73): (a) What is meant by habitual infringement of the rules of 'social coexistence', who determines what these rules are and on the basis of what criteria are they established? (b) What is meant by 'social parasite', who determines when a person is a social parasite and on the basis of what terms of reference? (c) What is meant by 'socially reprehensible vices', who determines their existence and on the basis of what criteria? (d) Could not the pre-criminal security measures limiting the freedom of a person deemed to be in a 'dangerous state' be used to restrict the freedom of persons whose relations with the Government are, for political reasons, not of the best? (e) Would a person's freedom be limited without recourse to judicial process and exclusively on the basis of a certain proclivity to so-called anti-social conduct?"

2. Administration of justice (art. 123 (a) and (b) of the Constitution and art. 10 of the Universal Declaration of Human Rights)

On the objectives of the courts, the note asked the following questions:

> "What is meant by 'socialist legality' and by 'safeguarding the economic, social and political regime established in this Constitution'? What would happen if the protection of these principles came into conflict with the citizens' rights provided for in the Constitution and the laws?"

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d/ Originally published as annex XVI to document E/CN.4/1989/46.

3. Freedom of movement (arts. 215, 216 and 217 of the Penal Code, and art. 13 of the Universal Declaration of Human Rights)

On the question of illegal entry into and departure from the country, the note sent to the Government of Cuba read as follows:

> "Although the Penal Code guarantees the right freely to enter and leave Cuban territory, it also establishes that the exercise of this right shall be regulated by law. What are the administrative and legal requirements for leaving and re-entering the country?"

4. Freedom of religion, expression and the press (arts. 103, 109, 115 and 144 of the Penal Code and arts. 2, 18 and 19 of the Universal Declaration of Human Rights)

On the offence of enemy propaganda, the Group asked the following questions:

> "What is meant by incitement 'against the social order, international solidarity or the socialist State'? Could this article be used to prevent the free exercise of political criticism and the control of the authorities by the people? Could it constitute a threat to persons who disagree with government policy, both in Cuba and abroad? Lastly, the fact of using the media to express opinions at variance with those of the Government constitutes, in accordance with article 103, paragraph (c), an aggravating circumstance as regards the offence defined as enemy propaganda. Would this article constitute a threat to persons who oppose the political regime in Cuba? Would this imply recognition by the criminal law of the prohibition of the use of the media to express opinions at variance with those of the Government?"

With reference to the offence of causing alarm, the following questions were asked:

> "How is it determined when an act, because of the nature, means or occasion of its execution, 'tends to cause public alarm with the aim of creating conditions affecting the security of the State'? What is meant by 'security of the State' and by 'causing alarm'?"

On the dissemination of false information against international peace, the Group asked the following question:

> "On the basis of what criteria do the authorities determine the falsity of an item of information and the extent to which information which is indeed false may 'disrupt international peace' or 'endanger the prestige or credit of the Cuban State or its good relations with another State'?"

On the offence of disrespect, the note contained the following questions:

> "What form of political criticism might be defined as not offensive and not insulting to the political authorities? Could this article

constitute an obstacle to compliance with the constitutional provision granting the people the right to control its representatives and possibly revoke their mandate?"

5. Freedom of assembly, expression and association (arts. 7 and 53 of the Constitution, arts. 34, paras. 5, 57, paras. 3, 6 and 10, 58, paras. 5, 6 and 7, 98 and 99 of the Penal Code and art. 20 of the Universal Declaration of Human Rights)

With regard to the role of the mass organizations, the note read as follows:

"Article 34, paragraph 5, article 57, paragraphs 3, 6 and 10, and article 58, paragraphs 5-7, confer certain functions on the mass organizations, such as supervising a number of penalties, and monitoring and guiding persons on whom penalties have been imposed and persons released on parole. Do these organizations have the necessary qualifications to perform these functions? What type of training guarantees the successful performance of these functions? Are there any appeal mechanisms against decisions taken by representatives of the mass organizations?"

On the offence of rebellion, the note sent to the Government of Cuba asked the following questions:

"What is meant by 'or other unlawful means' (art. 99)? Does it mean, for example, that members of any unregistered association that might seek partial changes in the Constitution or the economic, social or political regime in Cuba may be charged with rebellion for having used an unlawful means to achieve one of the objectives set forth in article 98, paragraph 1?"

6. Freedom of education and conscience (art. 38 (d) of the Constitution and art. 26 of the Universal Declaration of Human Rights)

Article 38 (Constitution) The State orients, foments and promotes education, culture and science in all their manifestations.

Its educational and cultural policy is based on the following principles:

...

(d) Artistic creativity is free as long as its content is not contrary to the Revolution. Forms of expression of art are free;

On artistic creativity, the note asked the following questions:

"What is meant by the following in the context of this constitutional provision: 'the Revolution'; the Revolutionary Government; its principal institutions and leaders; its ideological and political bases? Who determines the substantive character of a work of art and who establishes when such a work is contrary to 'the Revolution'?

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